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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Budget for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, for the biennium 2008-2009

Report of the Secretary-General

Summary

In accordance with General Assembly resolutions 60/241 and 61/241, the present report contains the resource requirements for the biennium 2008-2009 of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.

The resources for the biennium 2008-2009 before recosting amount to $286,687,300 gross ($267,138,700 net), and reflect an increase in real terms of $9,559,600 gross, or 3.4 per cent ($12,381,300 net, or 4.9 per cent), compared to the revised appropriation for the biennium 2006-2007.

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I. Overview

1. The International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 was established by the Security Council in its resolution 955 (1994). According to articles 2, 3 and 4 of its statute, the Tribunal has been empowered to prosecute persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and of neighbouring States between 1 January and 31 December 1994. The Tribunal consists of three organs, namely, the Chambers, the Office of the Prosecutor and the Registry.

2. In resolution 1329 (2000), the Security Council expressed its continuing conviction that in the particular circumstances of Rwanda, the prosecution of persons responsible for genocide and other serious violations of international humanitarian law contributed to the process of national reconciliation and to the restoration and maintenance of peace in Rwanda and in the region.

3. In its resolution 1503 (2003), the Security Council called upon the Tribunal to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008 and to complete all work in 2010 (the completion strategy). The Council again emphasized the importance of implementing fully the completion strategy of the Tribunal in its resolution 1534 (2004).

4. Consequently, the Tribunal developed its completion strategy, which comprises two main pillars: (a) the fair and expeditious completion of trials at the Tribunal, in accordance with the deadlines set in Security Council resolutions 1503 (2003) and 1534 (2004) of those who bear the greatest responsibility for the crimes committed in 1994; and (b) the transfer of selected cases for trial to competent national jurisdictions. On 31 May 2007, a revised and updated version of the completion strategy was submitted for the consideration of the Security Council (S/2007/323, enclosure).

5. At the time of submission of the present report, the Tribunal has handed down 27 judgements involving 33 accused since the start of the first trial in January 1997. Of those, 28 were convicted and 5 acquitted. Six of those convicted are currently serving sentences in Mali and the balance in the United Nations Detention Facility in Arusha. Furthermore, 2 cases involving a total of 5 persons are at the judgement writing stage, and trials involving 22 accused are now in progress. Consequently, the total number of accused whose trials have been completed or are in progress is 60.

6. It is anticipated that trials involving up to 21 accused persons will be ongoing during 2008 (comprising 17 accused persons in trials continuing from 2007, plus approximately 4 new single accused cases). The cases expected to be carried over from 2007 include accused in some of the multiple-accused trials (the Butare trial involving 6 persons, the Military II trial involving 4 persons, the Government II trial involving 4 persons, and the Karemera trial involving 3 persons). It is expected that the Government II trial will conclude in early 2008, and the Butare and Military II trials by mid-2008. It is hoped that the Karemera trial will conclude by the end of

2008. However, owing to the complex procedural history of this voluminous case, it cannot be excluded that this case may spill over into early 2009, particularly where judgement writing is concerned. All organs of the Tribunal have taken account of these scenarios in formulating their requirements for 2008-2009, so as to ensure that the Tribunal is able to accomplish its objectives of concluding all trials in a timely fashion.

7. Of the eight accused persons in custody awaiting trial, the Prosecutor has indicated that he will seek referral to competent national jurisdictions for trial of up to five accused. Those not referred will form part of the workload for completion. The single-accused trials that are expected to commence from late in 2007 will be completed during 2008.

8. Of the 18 indicted persons still at large, the Prosecutor intends to transfer 12 to national jurisdictions for trial. The programme for tracking and apprehension of the remaining six fugitives has been intensified. These fugitives, who have been prioritized for trial at the Tribunal, include some of the most notorious alleged perpetrators of the genocide, such as Felicien Kabuga. The Security Council has stressed the importance of the arrest and transfer of Kabuga to the Tribunal as soon as possible in order to determine his guilt or innocence. It should be noted that the trial schedule and the related budget proposal do not take into account the resource requirements related to the trials of the six fugitives, who as at the time of the present report, remain at large. Estimates in respect of the six fugitives will be addressed in the context of revised estimates as and when the fugitives are apprehended (see para. 48 below).

9. In December 2006, the Prosecutor informed the Security Council that he intends to request the Trial Chambers to transfer to national jurisdictions the cases of 17 accused persons for trial, including those who are still at large. Since the rule 11 bis mechanisms require time to finalize, it is expected that some of the requests for rule 11 bis orders submitted during 2007 and 2008 may be finalized only in 2008 or possibly in 2009.

10. The conclusion of multi-accused cases, in particular during 2007 and 2008, is likely to generate an exponential increase in the quantity of appellate activity. An increasing number of appeals from single accused trials that will be completed in the same period can also be anticipated. The workload of the Appeals Chamber support unit (for the Chambers) and the Appeals and Legal Advisory Division (of the Prosecution) is therefore expected to increase dramatically throughout the biennium 2008-2009.

11. With the International Tribunal for the former Yugoslavia and the Special Court for Sierra Leone also preparing to complete their respective mandates, the Tribunal has worked with its counterparts over the course of the biennium 2006-2007 to discuss common issues arising from their completion strategies. The cooperation of these three institutions will result in a best practices manual encompassing the most effective and efficient practices and procedures of the international war crimes courts.

12. It would be recalled that in his report on staff retention and legacy issues (A/60/436), the Secretary-General drew the attention of the General Assembly to legacy issues that the Tribunals would face upon completion of their respective mandates as they would have financial implications. In the same report, the

Secretary-General had indicated that it would be his intention to submit concrete proposals and recommendations in the context of the proposed budget for the biennium 2006-2007. Accordingly, the present report contains proposals and recommendations relating to a number of budgetary provisions in respect of post-Tribunal administrative liabilities including pensions of retired judges, after-service health insurance, and the maintenance of the Tribunal's archives and jurisprudence database.

13. With regard to archives and the jurisprudence database, an assessment has been carried out of the record keeping environment with a view to: (a) ensuring that the records meet the preservation and archiving standards required following the completion of the Tribunal's mandate; and (b) supporting future official access by the entity entrusted with post-Tribunal functions as well as access by the public at large. During the biennium 2008-2009 various projects will be undertaken with a view to supporting the development and implementation of an archives and records management strategy framework founded on a consistent standard-based approach, across both Tribunals and the Secretariat in order to achieve a responsible completion of mandate and to establish a preservation and access regime which meets the needs of both legacy and residual requirements. The level of resource requirements for the biennium 2008-2009 to implement such a strategy is contained in the present report.

14. The overall resources required for the biennium 2008-2009 for the Tribunal amount to $286,687,300 gross ($267,138,700 net), before recosting, reflecting an increase of $9,559,600 gross, or 3.4 per cent ($12,381,300 net, or 4.9 per cent) when compared with the revised appropriation for the biennium 2006-2007.

15. The International Criminal Tribunal for Rwanda proposes the retention of 693 posts, representing a decrease through abolition of 349 posts, or 33.5 per cent (134 Professional and 215 General Service posts) over the current authorized staffing level of 1,042.

16. Based on the projected trial schedule, it is anticipated that during 2008, the pace of trial activity will remain relatively unchanged vis-à-vis 2007 levels. Accordingly, only 10 posts (8 P-3 and 2 P-2) are being proposed for abolition effective 1 January 2008. With regard to 2009, the reduction in posts is scheduled in two phases: (a) 193 posts (7 P-5, 7 P-4, 31 P-3, 35 P-2, 33 General Service (Other level), 19 Security Service and 61 local level) effective 1 January 2009; and (b) 146 posts (2 P-4, 14 P-3, 28 P-2, 1 General Service (Principal level), 19 General Service (Other level), 18 Security Service, 60 local level and 4 Field Service) effective 1 July 2009. However, to ensure the Tribunal the flexibility to accelerate or decelerate the phasing out of individual posts, it is proposed that all these posts be abolished as of 1 January 2009, as reflected in table 3 below (para. 22), but the related funding for the 146 posts, functions of which would continue through 30 June 2009, would be provided through general temporary assistance. That would not only enable the maintenance of critical functions in supporting the trials though 30 June 2009, but also enable the Tribunal the opportunity to more closely align staff requirements to servicing the trials during this critical period of the completion phase.

17. The Office of the Prosecutor proposes the retention of 142 posts (1 USG, 1 D-2, 2 D-1, 13 P-5, 36 P-4, 39 P-3, 17 P-2, 31 General Service (Other level), 1 Field Service and 1 local level) out of a total of 225. The difference includes the abolition

of 77 posts (5 P-5, 5 P-4, 31 P-3, 25 P-2, 6 General Service (Other level) and 5 local level) and the redeployment of six posts (1 P-4, 2 P-3 and 3 P-2) to the Registry.

18. The Registry proposes to retain a total of 551 posts (1 ASG, 2 D-1, 11 P-5, 47 P-4, 73 P-3, 37 P-2, 6 General Service (Principal level), 104 General Service (Other level), 20 Field Service, 50 Security Service and 200 local level), inclusive of the 6 posts redeployed from the Office of the Prosecutor in 2008. In addition, the proposal is to abolish 272 posts (2 P-5, 4 P-4, 22 P-3, 40 P-2, 1 General Service (Principal level), 46 General Service (Other level), 4 Field Service, 37 Security Service and 116 local level) in 2009.

19. Included in the overall resource requirements are provisions for the redaction and digitization of all audio-visual materials including archiving the records of the Office of the Prosecutor, and the accrued liabilities related to after-service health insurance and pensions of retired judges.

20. The recosting of the proposed budgetary provisions at 2008-2009 rates contained in the present report is preliminary. For salaries related to posts in the Professional and higher categories, adjustments reflect the projected movement of post adjustment indices in 2007. Similarly, with regard to General Service salaries, recosting includes the forecast of probable cost-of-living adjustments based on anticipated inflation rates. The average vacancy rates for Professional and General Service posts realized in 2006 are proposed for 2008-2009. No attempt is made to forecast the movement of the relevant currency vis-à-vis the United States dollar at this time. The proposed budget will be recosted in December 2007, based on the latest data on actual inflation experience, the movement of post adjustment indices in 2007, the outcome of salary surveys, if any, salary expenditure experience, and evolution of operational rates of exchange in 2007.

21. During the biennium, extrabudgetary resources are estimated at $2,425,000 to be utilized for the continued implementation of various outreach and capacity-building programmes, support programme for witnesses, information management and security project, projects for enhancing the archiving and record-keeping systems of the Tribunal, legal research programme, and Umusanzu extension project primarily funded by the European Commission; and the operation of the International Criminal Tribunal for Rwanda fourth courtroom (until December 2008) funded from the Norwegian contribution. The decrease in the overall extrabudgetary resource requirements reflect the level of expected voluntary contributions during the biennium.

22. The distribution of resources proposed for the Tribunal for the biennium 2008-2009 is reflected in tables 1 to 3 below.

Table 1
Percentage distribution of resources by component

	Assessed budget	*Extrabudgetary*
A The Chambers	3.0	—
B. Office of the Prosecutor	19.1	9.4
C. The Registry	60.7	90.6
D. Archives	2.7	—
E. Liabilities for after-service health insurance and pension of retired judges	14.5	—
Total	**100.0**	**100.0**

Table 2
Summary of requirements
(Thousands of United States dollars)

(1) Assessed budget

Component	*2004-2005 expenditure*	*2006-2007 appropriation*	*Resource growth*		*Total before recosting*	*Recosting*	*2008-2009 estimate*
			Amount	*Percentage*			
Expenditure							
A. The Chambers	8 258.2	10 056.2	(1 411.5)	(14.0)	8 644.7	259.6	8 904.3
B. Office of the Prosecutor	62 971.7	70 411.6	(15 740.7)	(22.4)	54 670.9	3 279.1	57 950.0
C. The Registry	181 304.5	196 659.9	(22 471.2)	(11.4)	174 188.7	11 710.7	185 899.4
D. Records management and archives	—	—	7 652.4	—	7 652.4	663.0	8 315.4
E. Liabilities for after-service health insurance and pension of retired judges	—	—	41 530.6	—	41 530.6	—	41 530.6
Total (1) (gross)	**252 534.4**	**277 127.7**	**9 559.6**	**3.4**	**286 687.3**	**15 912.4**	**302 599.7**
Income							
Income from staff assessment	25 809.2	22 370.3	(2 821.7)	(12.6)	19 548.6	557.2	19 383.8
Total (net)	**226 725.2**	**254 757.4**	**12 381.3**	**4.9**	**267 138.7**	**15 355.2**	**283 215.9**

(2) Extrabudgetary resources

	2004-2005 expenditure	*2006-2007 estimate*	*2008-2009 estimate*
Activities	2 441.8	2 522.7	2 425.0
Total (2)	**2 441.8**	**2 522.7**	**2 425.0**
Total (1) and (2)	**229 167.0**	**257 280.1**	**285 640.9**

Table 3
Post requirements — assessed budget

Grade	*2006-2007 revised appropriation*	*Proposed changes*		*Total 2008-2009*
		January 2008	*January 2009*	
A. Professional category and above				
USG	1	—	—	1
ASG	1	—	—	1
D-2	1	—	—	1
D-1	4	—	—	4
P-5	31	—	(7)	24
P-4/3	257	(8)	(54)	195
P-2/1	119	(2)	(63)	54
Subtotal A	**414**	**(10)**	**(124)**	**280**
B. General Service and other categories				
Principal level	7	—	(1)	6
Other level	187	—	(52)	135
Security Service	87	—	(37)	50
Local level	322	—	(121)	201
Field Service	25	—	(4)	21
Subtotal B	**628**	**—**	**(215)**	**413**
Total, A and B	**1 042**	**(10)**	**(339)**	**693**

II. Programme of work and resource requirements

A. The Chambers

23. The Trial Chambers of the International Criminal Tribunal for Rwanda comprise nine permanent trial judges and nine ad litem judges in Arusha, United Republic of Tanzania. It is the judicial organ of the Tribunal, performing its core functions: the determination of guilt or innocence of persons responsible for genocide and other serious violations of international humanitarian law committed

in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States between 1 January and 31 December 1994.

24. The Appeals Chamber consists of seven permanent appeals judges in The Hague, five of whom are financed from the International Tribunal for the Former Yugoslavia and two of whom are charged to the budget of the International Criminal Tribunal for Rwanda.

25. On 21 May 2007, the Tribunal, at its seventeenth plenary session, elected Judge Charles Michael Dennis Byron (Saint Kitts and Nevis) to serve as the International Criminal Tribunal for Rwanda President, with Judge Khalida Rachid Khan (Pakistan) elected as Vice-President.

26. In its resolutions 1503 (2003) and 1534 (2004), the Security Council set the deadlines for the conclusion of all International Criminal Tribunal for Rwanda trials at first instance on 31 December 2008, with the end of 2010 being mandated for the conclusion of appeals. On 18 June 2007, President Byron introduced the latest version of the Tribunal's completion strategy, which confirmed that the Tribunal remained on schedule to complete all first instance trials by the end of 2008.

27. At the time of the address of the President of the Tribunal, to the Security Council on 18 June 2007, the International Criminal Tribunal for Rwanda had either completed, or was engaged in ongoing cases, involving 60 accused. Trials involving 22 accused are currently in progress. Currently, 8 detainees are awaiting trial in the United Nations Detention Facility in Arusha and a further 18 indictees remain at large.

28. The four ongoing multi-accused cases, accounting for 17 accused, represent the major challenge owing to their volume and complexity. Future trials of the limited number of remaining detainees and indictees at large who may be tried in Arusha will all comprise single-accused cases and will commence as soon as Trial Chamber and courtroom capacity allows. The first attempted referral of a case to a national jurisdiction for trial under rule 11 bis was made during the past year. More requests of this type are expected this year and throughout the next biennium.

29. On the basis of information currently available, it is estimated that by the end of 2008, the International Criminal Tribunal for Rwanda will have completed trials involving 65 to 70 persons. This is in accordance with the projections contained in the latest version of the completion strategy.

30. As approximately 15 months remain until December 2008, the estimated resources required to complete the ongoing trials and the limited number of future cases to be tried in Arusha is based on specific and updated assessments of the scope and nature of each case.

31. In order to provide for the continuity necessary to achieve the goals set out in the completion strategy, the Security Council in its resolutions 1684 (2006) and 1717 (2006) extended the terms of all permanent and ad litem judges of the International Criminal Tribunal for Rwanda, respectively, until 31 December 2008.

32. The Tribunal Trial Chambers in Arusha are currently supported by three P-5 Senior Legal Officers (1 per chamber), one P-4 Jurist-Linguist, nine P-3 Trial Chamber or Judgement Coordinators, and 18 P-2 Associate Legal Officers (1 per judge). Additional support is provided by 15 General Service (Other level) and local

level administrative and secretarial posts. The aforementioned posts are included in the resource requirements related to the Registry.

33. As the International Criminal Tribunal for Rwanda will seek to fully utilize its courtroom and judicial capacity to try a maximum number of cases in Arusha, it is envisaged that all Trial Chambers will be fully engaged in trial activity or judgement writing up until 31 December 2008. Accordingly, current judicial and staffing levels are being maintained at least until that date in order to ensure the successful achievement of all completion strategy goals.

34. Given the current deadline for all trials of first instance, and substantial progress in their accomplishment to date, significant reduction in posts directly servicing Tribunal Chambers can be envisaged in 2009. While the Tribunal is currently on course to comply with the deadline to complete all trials by the end of December 2008, it cannot be excluded that judgement writing may continue into early 2009. This scenario may arise, in particular, in relation to one or possibly two complex, voluminous multi-accused cases. Further, it is likely that proceedings related to rule 11 bis referrals may still be ongoing in late 2008 and may also require completion during 2009. Accordingly, the proposed requirements for 2009 take the above assumptions into consideration.

35. This means that the judges involved in one or possibly two cases which may continue into early 2009 should be able to continue in Arusha in 2009. While it is envisaged that some of these judges could, in parallel with the concluding phase of these cases and judgement writing, also participate in ongoing rule 11 bis referrals throughout 2009, the increased workload would make it impracticable for the same six judges (five permanent and one ad litem judges) to be involved in all remaining matters simultaneously. In order to address all eventualities, it may accordingly be necessary to provide for a further three ad litem judges in Arusha in 2009, and thus a maximum of nine judges at any one time, to ensure sufficient judicial capacity.

36. As mentioned above, there are 18 indictees who remain at large. Even if these accused are apprehended, the International Criminal Tribunal for Rwanda does not propose to prosecute all of them by December 2008. However, it may be decided that no more than six persons in significant leadership positions would be tried by the Tribunal in parallel with appeals proceedings, rather than their referral to national jurisdictions. Such new cases could reasonably be expected to run for a longer period than would be required to complete judgement writing in the one or two spill-over multi-accused trials and rule 11 bis proceedings. Since no provisions in respect of such new cases have been included in terms of the 2008-2009 overall resources requirements, additional requirements will be addressed in the context of revised estimates as and when the need arises.

37. Of the total current complement of 3 P-5, 9 P-3 and 18 P-2 Professional posts directly supporting the Chambers, it is envisaged that no more than 1 P-5, 2 P-3 and 9 P-2 posts will need to be retained throughout 2009. The related resources for the aforementioned posts are included in the provisions of the Registry.

38. The above represents the gradual phasing-out, after 31 December 2008, of approximately 40 per cent of the current judicial posts servicing the Chambers.

Outputs

39. During the biennium 2008-2009, the following outputs will be delivered:

(a) Courtroom activities: orders for the transfer and detention of suspects, initial appearances, hearings on pre-trial motions, status conferences, pre-trial conferences, pre-defence conferences, reviews of and orders for protection measures for witnesses, trials, issuance of judgements of acquittal under rule 98 bis, issuance of final judgements, sentencing procedures, reviews and deferrals, suspensions of indictments under rule 11 bis and issuance of restitution orders in appropriate cases;

(b) Judicial activities: review and confirmation or dismissal of indictments or counts thereof, deliberations, consideration of applications for orders and warrants, taking of depositions, holding of informal scheduling conferences, consideration of amicus curiae applications and supervision of imprisonment;

(c) Reports of the President to the Security Council, on the request of a trial chamber or the Prosecutor, as to non-compliance by States with orders of the Tribunal;

(d) Annual report to the General Assembly and the Security Council under article 32 of the statute;

(e) Appeals for international assistance to States;

(f) Discussion of issues of mutual concern and matters of policy and consideration and modification of the Rules of Procedure and Evidence and other basic texts of the Tribunal;

(g) Issuance of definitive editions of the Rules of Procedure and Evidence and the basic texts of the Tribunal in both working languages of the Tribunal, in both hard-copy and electronic formats;

(h) Research in international and national law and preparation, drafting, editing and issuance of all such documents, in both working languages of the Tribunal, in both hard-copy and electronic formats;

(i) Press releases on matters of importance to the Tribunal as a whole;

(j) Special events: hosting visiting dignitaries, usually at the ambassador or foreign minister level, and meeting heads of State, explaining courtroom activities and the functioning of the Tribunal, establishing and maintaining high-level contacts with Governments of Member States to facilitate and improve cooperation with the Tribunal, swearing in new judges and hosting judges from other jurisdictions;

(k) Non-governmental organizations: responding to a few of the large number of requests for speakers and participation in seminars, conferences and symposiums on all aspects of judicial activity;

(l) Participation in activities within the United Nations system: annual statement by the President of the Tribunal to the General Assembly and participation in meetings concerning the role of the Tribunal within the United Nations system, cooperation with the International Tribunal for the Former Yugoslavia and participation in discussions concerning other international judicial entities.

Table 4
Resource requirements — Chambers

Category	Resources (thousands of United States dollars) 2006-2007	2008-2009 (before recosting)	Posts 2006-2007	2008-2009
Assessed budget				
Non-post	10 056.2	8 644.7	—	—
Total	**10 056.2**	**8 644.7**	—	—

40. The amount of $8,644,700, representing a decrease of $1,411,500, would provide compensation for the judges during the biennium as well as their travel resources. The reduced requirements reflect a decrease from 20 to 9 in the number of judges by 1 January 2009 following completion of first-instance trials. The provisions for the salaries and allowances of judges have been calculated based on the terms and conditions of service established by the General Assembly in accordance with its resolution 61/262.

B. Office of the Prosecutor

41. The Office of the Prosecutor is responsible for the prosecution of persons suspected of bearing the highest responsibility in the commission of genocide and other serious violations of international humanitarian law committed in the territory of the Republic of Rwanda in 1994 as well as Rwandans who are suspected of having committed such acts in neighbouring territories between 1 January and 31 December 1994. The role and responsibilities of the Prosecutor consist of the investigation and prosecution of the crimes listed in articles 2, 3 and 4 of the statute of the International Criminal Tribunal for Rwanda. He/she is therefore responsible for the collection of evidence establishing the commission of these crimes, the tracking and arrest of those he indicts and the presentation of charges and evidence against them before the Chambers of the Tribunal.

42. The biennium 2006-2007 has been a period of increased activity for the Office of the Prosecutor, marked by increased trial work in the prosecution of 20 cases involving 36 accused (Butare (6 accused), Military I (4 accused), Military II (4 accused), Government II (4 accused), Karemera et al. (3 accused), and 15 single accused cases).

43. The Office of the Prosecutor anticipates that 21 accused persons will be undergoing trial during 2008 (17 continuing from 2007 plus 4 new trials of single accused persons). The number of cases expected to be carried over from 2007 include accused persons in some of the multiple-accused trials. The Government II trial involving four persons, the Butare trial involving six persons, the Military II trial involving four persons, and the Karemera trial involving three persons are expected to carry over into 2008. The Tribunal also expects to conduct five single-accused trials in 2008.

44. The Office of the Prosecutor estimates that the International Criminal Tribunal for Rwanda will conclude the Government II trial in March 2008, the Butare trial in

June 2008 and the Military II trial in June 2008. However, the Karemera trial has faced many delays and has had to be restarted at least once. The Office of the Prosecutor strategy appreciates the risk that some of the delays, including the delay that started in January 2007, may prevent the Tribunal from realizing its objective of completing the Karemera trial by the end of 2008. However, the trial chamber is taking steps to ensure that the Prosecution completes its case this year and that the trial stage concludes during 2008.

45. The Prosecutor seeks to complete the trials of all the single accused persons currently in detention by, if not before, the end of 2008. There are nine accused persons in custody awaiting trial, five of whom are earmarked for referral to national jurisdictions. Those not referred or concluding plea agreements will be part of the workload for completion.

46. The single-accused trials that are to commence late in 2007 are expected to be completed in 2008 together with about four new trials (Gatete and Kalimanzira) that the International Criminal Tribunal for Rwanda anticipates to commence in 2008.

47. The Office of the Prosecutor expects to file three new indictments for contempt of court and falsifying evidence pursuant to the Appeals Chamber ruling in Prosecutor v. Kamuhanda in 2005. It is expected that trials in respect of those indictments will take place during 2008.

48. Of the 18 indicted persons still at large, the Prosecutor intends to transfer 12 to national jurisdictions for trial. The Office of the Prosecutor has therefore intensified the programme for the tracking and apprehension of the remaining six fugitives who have been prioritized for trial at the International Criminal Tribunal for Rwanda. They are among the most notorious perpetrators of the genocide. The Tribunal will, therefore, try any of the prioritized six fugitives (Felicien Kabuga, Protais Mpiranya, Augustin Bizimana, Augustin Ngirabatware, Idelphonse Nizeyimana and Callixte Nzabonimana) should they be arrested before the end of 2008. It should be noted that the trial schedule and the related budget proposal do not take into account the resource requirements related to the trials of the six fugitives, who as at the time of the present report, remain at large. Estimates in respect of the six fugitives will be addressed in the context of revised estimates as and when the fugitives are apprehended. In view of the completion strategy, it is noted that the Security Council recognizes the importance of arresting and prosecuting Felicien Kabuga as he is considered the financier and one of the main architects of the genocide of 1994. Should these fugitives remain at large up to the end of 2008, the Office will apply for their transfer to national jurisdictions under the terms of rule 11 bis.

49. In December 2006, the Prosecutor informed the Security Council that he intends to request the Trial Chambers for orders for the transfer to national jurisdictions of 17 accused persons, including the 12 who are still at large. Since a rule 11 bis application for an order to transfer a case of an accused person to national jurisdiction takes time to finalize, the Office of the Prosecutor expects that although some of the requests for rule 11 bis orders will be submitted in 2007, many will be considered by the Trial Chambers during 2008 and even in 2009. Most of the applications will be for transfer to Rwanda, where a recently adopted law excludes the imposition of the death penalty on accused persons whose cases are transferred to it for trial.

50. The conclusion of the Military I trial early in 2007 and the Government II trial early in 2008 is expected to generate not less than 10 appeals in 2008 by the accused and likely counter appeals by the Prosecutor. The Office of the Prosecutor expects a number of appeals from single-accused trials that will be completed in 2007 and 2008. It also expects that the trend by the defence of applying for the review of proceedings will continue and increase. The workload of the Appeals and Legal Advisory Division is therefore expected to increase dramatically as from 2008.

51. The Prosecutor also sees the need for more attention to transitional issues so that there can be an efficient and timely closure in 2010. The number of cases actually transferred to national jurisdictions will depend on decisions of the Chambers' referral bench, which is to decide whether those cases meet the conditions required for their transfer. The Office of the Prosecutor will continue to provide the resources required to support requests for the transfer of cases, which may include addressing the legal issues that may be raised during eventual appeals proceedings. The transition team will continue to devote substantial effort in supporting prosecutions by providing all required assistance to domestic institutions when cases and investigation dossiers have been successfully transferred. The Office of the Prosecutor anticipates significant effort will be expended in handling transitional issues as well as archiving and legacy matters and also sees the importance of further strengthening liaison with Governments and other stakeholders.

52. A previously unexpected phenomenon which first surfaced with the start of the defence cases in the Butare trial late in 2004, the Military I trial early in 2005 and the Government II trial in mid-2005, continues to place high demands on the resources of the Office of the Prosecutor. This relates to the way in which the defence complies with rules on disclosure of the details of their witnesses and thereby burdens the Prosecution with additional trial support investigation work. That work involves the checking of the antecedents of defence witnesses and finding evidence that can be used to disprove alibi defences. Antecedents are a critical tool used by trial lawyers to cross-examine defence witnesses and discredit their evidence. The defence in calling hundreds of witnesses creates a need for an unprecedented number of missions by trial lawyers and investigators.

53. In October 2006, the Prosecutor participated in another colloquium with Prosecutors of other International Criminal Tribunals to share problems, solutions and strategies and to exchange best practices in the prosecution of criminals at the international criminal justice level. The main benefit of these colloquiums is the exchange of ideas regarding simplification of procedures and using better ways of carrying out international prosecutions. A follow-up colloquium will be held at the newly created court in Cambodia in November 2007.

54. Paragraph 3 of Security Council resolution 1503 (2003) calls upon all States including Rwanda, Kenya, the Democratic Republic of the Congo, and the Republic of the Congo, to intensify assistance to the International Criminal Tribunal for Rwanda, including the investigation of allegations against members of the Rwandan Patriotic Front (RPF). This is reaffirmed in paragraph 2 of Security Council resolution 1534 (2004). As previously reported to the Security Council, the Prosecutor hopes to take decisions in the near future on cases dealing with allegations against members of the RPF. Should those decisions result in indictments, there will be additional cases to try in Arusha. Accordingly, additional

requirements would be addressed in the context of revised estimates as and when the need arises.

55. In the light of the above developments, the Office of the Prosecutor will undergo a phased restructuring and realignment of resources with a view to focusing its efforts to complete trials by December 2008 and to accelerate the appeals work. The proposed structure of the Office for the biennium 2008-2009 envisages the continued strengthening of the Appeals and Legal Advisory Division through the redeployment of posts from both the Prosecutions Division and the Investigations Division.

56. The main pillars of the Prosecutor's completion strategy in relation to accused persons are as follows:

(a) Transfer of accused persons to national jurisdictions

57. The Prosecutor plans to transfer to national jurisdictions up to five of those accused who are currently in detention. One has already been transferred. This number may decrease if guilty plea negotiations with some of the remaining four accused persons are successful.

58. Previous negotiations with Rwanda for the transfer of cases under rule 11 bis have been fruitful. Rwanda has adopted the law that makes it possible to transfer cases to that jurisdiction. Before the middle of 2007, the Office of the Prosecutor will start filing applications for the referral of some of the cases to Rwanda as soon as Rwanda is ready to receive transfer of cases. The same will be done in respect of other States as soon as they agree and indicate their readiness to receive transfer of accused persons.

59. The two rule 11 bis applications in respect of the case of Bagaragaza have shown that these applications need time to be finalized. They involve complex legal issues and decisions invariably go on to appeal. For this reason, a Transition Team has been put in place, headed by a Senior Trial Attorney to handle such matters and speed up the application process.

60. The Office of the Prosecutor has set up monitoring mechanisms that will monitor the progress of trials that are transferred to Rwanda and to European countries. In respect of cases that will be transferred to national jurisdictions in Africa, the Office of the Prosecutor has obtained the concurrence of the African Union to make available some of their people as consultants for the monitoring of trials of cases that will be referred to African national jurisdictions. Furthermore, the Office of the Prosecutor is negotiating with the International Commission of Jurists for the monitoring of trials of cases transferred to countries in Europe.

(b) Tracking of fugitives

61. Eighteen indicted persons are still at large. Because their individual levels of responsibility vary, the strategy of the Office of the Prosecutor is to focus the activities of the Tracking Team on tracking six priority fugitives, as indicated earlier, to enable the arrest of all or as many fugitives as possible before the end of 2008. The Prosecutor will also continue his efforts with some Member States to cooperate in the tracking and arrest of any of the six fugitives suspected of hiding in their territories. As the number of fugitives being actively tracked is expected to be

reduced, the posts in the Tracking Unit will decrease from 12 to 9 posts in 2008 and to 5 posts in 2009.

(c) Trial strategy

62. The trial strategy of the Office of the Prosecutor is as follows:

(a) To make all trials less cumbersome by pruning indictments of unnecessary and superfluous charges. The aim is to have few charges in an indictment. This will enable the Office of the Prosecutor to call fewer witnesses to prove the crimes charged, use less time and spend less. In this regard, the Office of the Prosecutor will continue to employ the process of indictment review through its Indictment Review Committee, comprising senior trial attorneys, senior appeals counsels, legal advisers and other staff. The committee reviews and streamlines indictments in line with current jurisprudence and also with a view to implementing the above-mentioned strategy. The process of indictment review involves investigative work requiring investigators to look for evidence that would assist in discarding unnecessary evidence.

(b) Putting every case that is about to start trial through a trial-readiness review process. This process is also conducted by senior trial lawyers together with other staff of the Office of the Prosecutor. It was initiated to avoid or minimize trial delays experienced in the past. The aim is to ensure that the case is truly ready when the trial date arrives and there are no avoidable impediments which may contribute to postponement or delay. This process often involves further investigation work in preparation for the start of the trial. The Trial-Readiness Review Committee may advise that the trial team dispense with a number of witnesses if another witness can sufficiently cover a particular point. This creates further investigative work which, if successful, makes the case stronger and the trial run more quickly.

(c) In order to ensure that all cases are properly and sufficiently prepared and made trial-ready, the strategy is to distribute all cases among all 12 Senior Trial Attorneys in the Office of the Prosecutor. They have been given various deadlines by which their cases should be trial-ready so that, as soon as a Trial Chamber is free, there will be cases from which to select and proceed with trials. This will save time and enhance the chances towards effective implementation of the completion of the mandate. Trial preparation, by nature, involves considerable preparatory work, missions, etc. The Prosecutor therefore needs to reserve sufficient capacity in the Investigations Division to assist in trial preparation.

(d) The preparation of cases for trial and their presentation before the Trial Chambers presupposes that senior trial attorneys are provided with sufficiently "resourced" trial teams. For the preparation and presentation of a single-accused case, the Office of the Prosecutor requires a trial team consisting of at least 1 Senior Trial Attorney (P-5), 1 Trial Attorney (P-4), 1 Assistant Trial Attorney (P-3), 1 Case Manager (P-2) and a shared Secretary at the General Service (Other level) level. For a multi-accused case, it depends on the size of the case. The Butare case, with six accused persons, is the biggest and the Karemera case, with three accused persons, the smallest trial involving multi-accused persons. For a multi-accused trial, the Office of the Prosecutor requires at least one Senior Trial Attorney (P-5), three Trial Attorneys (P-4), three Assistants Trial Attorneys (P-3), one Associate Legal Officer (P-2), one Case Manager (P-2), one Legal Advisor (P-4), one Investigator (P-3) and one Bilingual Secretary (Field Service). In the Butare trial and the Military II trial,

the complex nature of the trials and huge volumes of documents has necessitated the assignment of two Case Managers per case.

(d) Appeals

63. The hearing of evidence in the Military I trial was completed at the beginning of 2007. However, considering the complexity of the trial and the large volume of evidence heard in the period of almost four and a half years of trial, Trial Chamber I is expected to deliver judgement towards the end of 2007. If the Trial Chamber returns convictions, the accused will likely appeal and the Prosecutor file counter-appeals. The same is expected in the Government II, the Butare and the Military II trials, which are expected to conclude in 2008. Appeals are also expected in the five single-accused trials proceeding in 2007, one single-accused trial, of which judgement is expected soon, as well as those that will be completed in 2008. The Office of the Prosecutor, therefore, anticipates a dramatic increase in the number of appeals during the biennium 2008-2009 and estimates that the Appeals Division will be carrying a workload of between 28 and 38 appeals. In order to complete the appeals by 2010 as required in the Security Council resolutions, the strategy of the Office of the Prosecutor is to strengthen the Appeals and Legal Advisory Division by the redeployment of posts, mostly from the Prosecution Division. The Prosecutor proposes to fill these posts with experienced and skilled staff in order to ensure quality and a speedy and efficient handling of appeal matters. In this regard, the Prosecutor will redeploy some of the current trial lawyers who have the institutional knowledge, understand the jurisprudence of the International Criminal Tribunal for Rwanda and are familiar with International Criminal Tribunal for Rwanda procedures. The Office of the Prosecutor envisages holding an appellate advocacy training workshop during 2008 to train those redeployed from the Prosecution Division in the practice of appellate advocacy.

64. The Prosecutor also envisages strategic management devices to ensure that the completion strategy comes to a successful conclusion. Some of these management devices include:

(a) Completion Strategy Monitoring Committee

65. In order to ensure the implementation of its strategy, the Office of the Prosecutor has established a Completion Strategy Monitoring Committee. The terms of reference of the committee require it to check that all deadlines and milestones are achieved or accomplished as stated in the Office of the Prosecutor plans.

(b) Exploitation of information and technology resources

66. The Office of the Prosecutor strategy envisages an Information and Evidence Support Section that continues to be adequately responsive to the needs of the trial teams as well as the Appeals and Legal Advisory Division. The Office of the Prosecutor strategy continues to improve the cataloguing and retrieval systems in the Evidence Section. It also manages an Electronic Disclosure System which helps trial teams comply with the strict disclosure rules of the Tribunal. In that regard, the Information and Evidence Support Section also assists in the disclosure searches and provides training to case managers to enable them to achieve better compliance with disclosure rules. The Office of the Prosecutor strategy sees the Evidence

Section as an important backbone supporting both trial teams in respect to trials in the first instance and matters on appeal.

(c) Capacity enhancement through continuous learning and best practices

67. The provision of human resources alone will not lead to a successful implementation of the completion strategy. As the jurisprudence of the two ad hoc Tribunals grows, and as new complexities emerge every day, it is necessary to enhance the capacity of Office of the Prosecutor lawyers, investigators and support staff through training. The Office of the Prosecutor strategy is to hold regular advocacy training and appellate training workshops, especially during 2008. Secondly, the Office of the Prosecutor will continue to hold monthly staff legal forums at which the jurisprudence and its application to Office of the Prosecutor work are discussed.

(d) Contingency plans

68. In terms of the strategy of the Office of the Prosecutor, a situation should be avoided in which an indicted person escapes justice because neither the International Criminal Tribunal for Rwanda nor a national jurisdiction can prosecute. This can arise where the fugitive is not arrested until the closure of the Tribunal and where there is no order transferring his or her case to a national jurisdiction. Although the Prosecutor plans to transfer some of the cases of indicted accused persons to national jurisdictions for trial, there is no guarantee that this will happen in all cases owing to the process under rule 11 bis that such motions must be approved by the Trial Chambers or the Appeals Chamber. If the Prosecutor is not able to prosecute such detainees, they will surely escape justice on a technicality. Justice would demand that they be prosecuted before the Chambers of the International Criminal Tribunal for Rwanda. In that regard, it is necessary that, while preparing for the transfer of the cases of the five detainees earmarked for transfer, sufficient capacity should exist to prosecute them should efforts to transfer their cases fail. The Office of the Prosecutor will begin shortly to file rule 11 bis applications for the transfer of two accused persons and will file the rest before the end of 2007. Clarity on whether these cases will be transferred is expected by the end of 2007 or early 2008. Failure to obtain Trial Chamber orders to transfer cases is one challenge. The other challenge to efforts of transferring cases is that, while Rwanda has agreed to accept transfer of cases from the International Criminal Tribunal for Rwanda, the Prosecutor may not find a sufficient number of States agreeable to such transfers. The third challenge is that many States may be willing to accept transfers but financially unable to conduct the trials. In that case, assistance would be required and, if assistance is not available, trials at the national level may not take place. In such a case, it will be necessary for the Office of the Prosecutor to prosecute the accused persons before the Trial Chambers of the International Criminal Tribunal for Rwanda. The strategy of the Prosecutor has therefore been to provide for these eventualities in the present proposals for the biennium 2008-2009.

Table 5
Objectives for the biennium, expected accomplishments and indicators of achievement

Objective: To meet the requirements of the Security Council with regard to the investigation and prosecution of persons who bear the highest responsibility for the violation of international humanitarian law in a fair manner and within a time frame that facilitates the implementation of the completion strategy.

Expected accomplishments	*Indicators of achievement*
(a) Arrest of accused persons still at large	(a) Number of arrests *Performance measures* 2004-2005: 3 2006-2007 estimate: 6 2008-2009 target: 6
(b) Accelerated disposition of cases	(b) (i) Number of trials under preparation *Performance measures* 2004-2005: 16 2006-2007 estimate: 11 2008-2009 target: 5 (ii) Number of accused at trial *Performance measures* 2004-2005: 31 2006-2007 estimate: 21 2008-2009 target: 23 (iii) Total number of prosecution witnesses *Performance measures* 2004-2005: 246 2006-2007 estimate: 167 2008-2009 target: 120 (iv) Total number of cases concluded (before judgement) *Performance measures* 2004-2005: 6

Expected accomplishments	*Indicators of achievement*
	2006-2007 estimate: 9 2008-2009 target: 9
(c) Successful prosecution of accused persons	(c) Number of convictions (when judgements delivered) *Performance measures* 2004-2005: 7 2006-2007 estimate: 5 2008-2009 target: 23
(d) Facilitation of appeals to successful conclusion	(d) Number of appeals concluded *Performance measures* 2004-2005: 5 2006-2007 estimate: 3 2008-2009 target: 5
(e) Transfer of dossiers to national jurisdictions	(e) Number of dossiers transferred out of the Office of the Prosecutor *Performance measures* 2004-2005: 25 2006-2007 estimate: 10 2008-2009 target: 17
(f) Transfer of cases to national jurisdictions using rule 11 bis	(f) Number of cases transferred out of the Office of the Prosecutor *Performance measures* 2004-2005: 0 2006-2007 estimate: 5 2008-2009 target: 12

External factors

69. The Office is expected to meet its objectives and expected accomplishments on the assumption that:

(i) Witnesses are available;

(ii) The security and safety of witnesses are ensured in cooperation with national Governments;

(iii) Member States, non-governmental organizations and the international community remain supportive of the overall mission and vision of the Tribunal;

(iv) Member States cooperate in the arrest of indicted persons;

(v) Member States cooperate in the relocation and protection of witnesses.

Outputs

70. During the biennium, the following outputs will be delivered:

(a) The completion, by the end of 2008, of the trials of all accused persons who are meant for trial at the International Criminal Tribunal of Rwanda and are currently detained at the United Nations Detention Facility;

(b) The transfer of all, if not most of, the cases of the five accused detained at the United Nations Detention Facility and are earmarked for transfer to national jurisdictions;

(c) The transfer to national jurisdictions of all the 12 cases of indicted fugitives who are still at large and not earmarked for trial before the International Criminal Tribunal of Rwanda;

(d) The tracking and arrest of the six high-priority indicted fugitives, namely, Felicien Kabuga, Protais Mpiranya, Augustin Ngirabatware, Augustin Bizimana, Idelphonse Nizeyimana and Callixte Nzabonimana and their consequent trial before the International Criminal Tribunal for Rwanda;

(e) The successful defence of all convictions and sentences that are challenged on appeal during the biennium;

(f) Investigation: witness and expert witness statements, summaries of witness interviews, witness schedules and protective measures for witnesses, intelligence related to suspects and fugitives, collection of evidence relevant to trial support and trial preparation, reports on the arrest of fugitives, trials and appeals and requests for assistance; witness binders; unofficial translations and English summaries of documentation in the local language and indictment reviews;

(g) Prosecution: exhibits, witness summaries, extensive searches for relevant material to be disclosed to the defence, training courses, including legal issues, advocacy and legal opinions on issues of international law; filings related to the prosecution of cases and appeals, including indictments and amended indictments; motions, responses to defence motions, witness statements, opening briefs, closing briefs, sentencing briefs, appeals on the merits, interlocutory appeals, plea agreements, miscellaneous applications for subpoenas, search warrants, the detention of suspects and the transmission of arrest warrants;

(h) Management: policy papers and directives, guidelines related to legal practice, annual reports, funding proposals and budget preparation; reports on activities of States relevant to cooperation; press releases, speeches, statements and briefings; and training of staff of the Prosecutor's Office.

Table 6
Resource requirements — Office of the Prosecutor

Category	Resources (thousands of United States dollars) 2006-2007	Resources (thousands of United States dollars) 2008-2009 (before recosting)	Posts 2006-2007	Posts 2008-2009
Assessed budget				
Post	59 194.5	45 991.2	225	142
Non-post	4 157.3	3 068.0	—	—
Staff assessment	7 059.8	5 611.7	—	—
Subtotal	**70 411.6**	**54 670.9**	**225**	**142**
Extrabudgetary	211.1	227.0	—	—
Total	**70 622.7**	**54 897.9**	**225**	**142**

Table 7
Post requirements — Office of the Prosecutor

Grade	2006-2007 revised appropriation	Proposed changes: January 2008 Abolitions	Proposed changes: January 2008 Redeployment*	Proposed changes: January 2009 Abolitions	Total 2008-2009
A. Professional category and above					
USG	1	—	—	—	1
D-2	1	—	—	—	1
D-1	2	—	—	—	2
P-5	18	—	—	(5)	13
P-4/3	114	(8)	(3)	(28)	75
P-2/1	45	(2)	(3)	(23)	17
Subtotal, A	**181**	**(10)**	**(6)**	**(56)**	**109**
B. General Service and other categories					
Other level	37	—	—	(6)	31
Local level	6	—	—	(5)	1
Field Service	1	—	—	—	1
Subtotal B	**44**	**—**	**—**	**(11)**	**33**
Total, A and B	**225**	**(10)**	**(6)**	**(67)**	**142**

* Redeployment to the Registry.

71. Resources under posts and staff assessment in the amount of $45,991,200 and $5,611,700, respectively, would provide for the retention of 142 posts (1 USG, 1 D-2, 2 D-1, 13 P-5, 36 P-4, 39 P-3, 17 P-2, 31 GS (Other level), 1 Field Service

and 1 local level) out of a total of 225 during the biennium 2008-2009. The reductions under posts and staff assessment are due to the abolition of 77 posts during the biennium, and the outward redeployment of six posts to the Registry.

72. The Office of the Prosecutor proposes a two-phased reduction of posts during the biennium. In the first phase, 10 posts (8 P-3 and 2 P-2) would be abolished, and 6 posts (1 P-4, 2 P-3 and 3 P-2) would be redeployed to the Registry effective 1 January 2008. With respect to the second phase, a total of 67 posts (5 P-5, 5 P-4, 23 P-3, 23 P-2, 6 General Service (Other level) and 5 local level) would be abolished as of 1 January 2009. The aforementioned is summarized in table 7 above.

73. The total non-post resources requested in the amount of $3,068,000, reflecting a decrease of $1,089,300, would provide for fees and travel of consultants and expert witnesses, official travel of staff and operational expenses. The reduction is attributable to lower requirements in 2009 as a consequence of reduced trial activities envisaged for 2009.

C. The Registry

74. Pursuant to article 16 of the statute of the Tribunal, the Registry is responsible for the administration and servicing of the Tribunal. It is composed of three main organizational units, namely, the Immediate Office of the Registrar, the Judicial and Legal Services Division and the Division of Administrative Support Services. The resident auditor and investigators, while reporting directly to the Office of Internal Oversight Services, are reflected under the Registry for budgetary purposes.

75. During the biennium 2008-2009, the Registry will continue to focus on the implementation of the completion strategy, the main objectives of which include: (a) providing support for the expeditious and fair trials of top-level accused; and (b) the transfer of middle and lower-level cases to competent national jurisdictions.

76. In pursuance of those objectives, the Registry continues to implement streamlining and control measures, including limiting the number of reimbursable hours during the pre-trial and appellate stages and limiting the presence of the Defence Team members in Arusha during the trial stage, which contribute to more effective operations of the Tribunal. The Defence Counsel and Detention Management Section is in the process of implementing the lump sum system of payment under the legal aid programme during the pre-trial, trial appellate and review stages in respect of new trials conducted in the current biennium.

77. The Immediate Office of the Registrar continues to provide consistent and effective judicial support services to the Chambers and the Office of the Prosecutor, undertaking continuous review of reforms already in place and carrying out a regular consultative process with the Judges and the Prosecutor in this context. The Tribunal's activities have reached a further peak during the current biennium with an unprecedented number of trials run at the same time that resulted in the completion of a greater number of cases. The support expected from the Registry as well as the need to conclude additional agreements with Member States and institutions have continued to increase. In addition to the first acquittal in 2001 and two subsequent acquittals in February 2004, there were a further two in 2006.

78. The relocation of acquitted persons is one of the key elements of the completion strategy. As more acquittals are anticipated in 2007, this will further

compound the Tribunal's efforts in the relocation of acquitted persons particularly in difficulties faced in obtaining timely responses from Member States.

79. Cooperation and political support for the Tribunal by major stakeholders such as Governments and non-State entities has improved and systematic efforts to improve the image and visibility of the Tribunal through the effective dissemination of public information have borne fruit with increased media coverage, organized visits and briefings at the International Criminal Tribunal for Rwanda, and better understanding of the achievements and challenges of the Tribunal. In addition, the Office of the Registrar conducted a capacity-building training in gender mainstreaming for 120 International Criminal Tribunal for Rwanda mid-level programme managers.

80. It should be noted that more Member States are facilitating the travel and protection of witnesses required to testify before the International Criminal Tribunal for Rwanda, and also facilitating investigations of defence counsel through identification of, access to and meeting with defence witnesses.

81. The Division of Administrative Support Services continues to provide consistent and effective administrative support services to the Chambers, the Office of the Prosecutor and other components of the Registry. The Division is continuing with its efforts at streamlining measures aimed at improving and sustaining the level of administrative support services required by the Tribunal for operational efficiency in meeting its completion strategy.

Table 8
Objectives for the biennium, expected accomplishments and indicators of achievement

Objective: To ensure appropriate and successful implementation of the legal and administrative support activities of the International Criminal Tribunal for Rwanda in compliance with the regulations and rules of the United Nations and with a view to supporting the Tribunal completion strategy.

Expected accomplishments	*Indicators of achievement*
(a) Timely implementation of actions taken pursuant to the completion strategy	(a) Number of actions completed on time *Performance measures* 2004-2005: not applicable 2006-2007 estimate: 13 2008-2009 target: 20
(b) Strengthened cooperation of Member States on enforcement of sentence matters	(b) Number of new memorandums of understanding concluded with Member States *Performance measures* 2004-2005: 2

	2006-2007 estimate: 6 2008-2009 target: 4
(c) Increased public awareness of the work of the Tribunal	(c) Number of inquiries with respect to the work of the Tribunal *Performance measures* 2004-2005: 6,636 inquiries 2006-2007 estimate: 5,200 inquiries 2008-2009 target: 7,000 inquiries
(d) Faster turnaround time for decisions and orders after the conclusion of pleadings	(d) Maximum deadline of five days for decisions/orders after initial deliberations of the first draft decisions/orders *Performance measures* 2004-2005: 6 days 2006-2007 estimate: 5 days 2008-2009 target: 5 days
(e) Reform of the legal aid system	(e) Reduction in the number of cases for which payments are in excess of agreed-upon thresholds *Performance measures* 2004-2005: 535 claims 2006-2007 estimate: 607 claims 2008-2009 target: 518 claims

External factors

82. The Registry is expected to meet its objectives and expected accomplishments on the assumption that:

(a) Member States continue to cooperate in the arrest and transfer of indicted persons and in the provision of information;

(b) There are no delays in the proceedings for reasons beyond the control of the Tribunal, including illness of the accused, unforeseen disclosure of material, requests for replacement of defence counsel, review of cases already tried and the availability of witnesses to certify statements and provide testimony.

Outputs

83. During the biennium 2008-2009, the following outputs will be delivered:

(a) Providing policy guidance and executive direction for the coordination and implementation of a sound and realistic completion strategy;

(b) Providing consistently effective judicial support services to the Chambers and the Office of the Prosecutor, undertaking continuous review of reforms already in place and carrying out a regular consultative process with the judges and the Prosecutor in this context;

(c) Implementing strategies for the transfer of International Criminal Tribunal for Rwanda cases to States for trial based on decision of the Chambers under rule 11 bis of the Rules of Procedure and Evidence;

(d) Resolving, in cooperation with the Office of Legal Affairs at Headquarters, legal and practical problems with regard to the enforcement of sentences, the relocation of acquitted persons or the relocation of convicted persons having served their sentence at the United Nations Detention Facility;

(e) Supervising the practical enforcement of sentences in countries that have signed agreements with the United Nations for that purpose;

(f) Optimizing the International Criminal Tribunal for Rwanda legal aid system by extending the lump sum system of payment while monitoring expenditures to prevent any abuses of the system;

(g) Sustaining and improving the level of cooperation and political and operational support for the Tribunal by external counterparts, such as Governments and non-State entities;

(h) Formulating and implementing an effective strategy for mobilizing resources for the Tribunal's Voluntary Trust Fund for important projects that are key to the discharge of the Tribunal's mandate and the success of the transfer of cases to States, including Rwanda;

(i) Continuing systematic efforts to improve the image and visibility of the Tribunal through the effective dissemination of public information and the accurate projection of its work at appropriate levels, as well as the conduct of appropriate programmes for visitors to the Tribunal, who are frequently high-level individuals and institutions;

(j) Providing direct judicial assistance to the trial chambers and the appeals chambers, such as legal research, drafting and other judicial support; preparation of the judicial calendar, maintenance and scheduling of courtrooms; and the recording, maintenance and registration of records of judicial proceedings, transcripts, motions, orders, decision, judgements and sentences; provision and maintenance of the detention facilities; development and maintenance of a system to remunerate defence counsel; and assistance to prosecution and defence witnesses testifying before the Tribunal;

(k) Providing administrative services for all activities of the Tribunal in the areas of human resource management; budget and finance; general services, building management and transport; information technology; security and safety; procurement; health services; and continuing to support the services of the United Nations Detention Facility.

Table 9
Resource requirements — Registry

Category	Resources (thousands of United States dollars) 2006-2007	2008-2009 (before recosting)	Posts 2006-2007	2008-2009
Assessed budget				
Post	128 693.1	109 799.8	817	551
Non-post	52 656.3	50 452.0	—	—
Staff assessment	15 310.5	13 936.9	—	—
Subtotal	**196 659.9**	**174 188.7**	**817**	**551**
Extrabudgetary	2 311.6	2 198.0	—	—
Total	**198 971.5**	**176 386.7**	**817**	**551**

Table 10
Post requirements — Registry

Grade	2006-2007 revised appropriation	Proposed changes: January 2008 Redeployment*	Proposed changes: January 2009 Abolitions	Total 2008-2009
A. Professional category and above				
ASG	1	—	—	1
D-1	2	—	—	2
P-5	13	—	(2)	11
P-4/3	143	3	(26)	120
P-2/1	74	3	(40)	37
Subtotal, A	**233**	**6**	**(68)**	**171**
B. General Service and other categories				
Principal level	7	—	(1)	6
Other level	150	—	(46)	104
Security Service	87	—	(37)	50
Local level	316	—	(116)	200
Field Service	24	—	(4)	20
Subtotal, B	**584**	**—**	**(204)**	**380**
Total, A and B	**817**	**6**	**(272)**	**551**

* Inward redeployment from the Office of the Prosecutor.

84. The resources under assessed budgets post and staff assessment in the amount of $109,799,800 and $13,936,900, respectively, would provide for the retention of 551 posts (1 ASG, 2 D-1, 11 P-5, 47 P-4, 73 P-3, 37 P-2, 6 General Service

(Principal level), 104 General Service (Other level), 20 Field Service, 50 Security Service and 200 local level), inclusive of the 6 posts to be redeployed from the Office of the Prosecutor in 2008 for the biennium 2008-2009. The reductions under post and staff assessment are attributable to the abolition of 272 posts (2 P-5, 4 P-4, 22 P-3, 40 P-2, 1 General Service (Principal level), 46 General Service (Other level), 4 Field Service, 37 Security Service and 116 local level) as of 1 January 2009, partially offset by the inward redeployment of 6 posts from the Office of the Prosecutor effective 1 January 2008.

85. However, based on the trial schedule and in order to sustain the level of support required by the Chambers and the Office of the Prosecutor as the Tribunal moves towards the completion of trials, functions related to 146 posts (2 P-4, 14 P-3, 28 P-2, 1 General Service (Principal level), 19 General Service (Other level), 4 Field Service, 18 Security Service and 60 local level) would continue to be required through 30 June 2009. As indicated earlier, to ensure the Registry the flexibility to accelerate or decelerate the phasing-out of individual posts, it is proposed that all these posts be abolished as of 1 January 2009, as reflected in table 10 above; but their related funding be provided through general temporary assistance. This would enable the maintenance of critical functions in supporting the trials through 30 June 2009.

86. In addition, six posts (1 P-4, 2 P-3 and 3 P-2) would be redeployed from the Office of the Prosecutor effective 1 January 2008 to strengthen the Appeals Chamber Support Unit at The Hague in anticipation of an increase in the number of appeal cases. The changes to the overall staffing complement of the Registry are summarized in table 10 above.

87. The requirements of $50,452,000 under non-post resources would provide for other personnel-related costs, consultants and expert witnesses for the defence, travel of staff and witnesses, defence counsel fees and other contractual services, general operating expenses, hospitality, supplies and materials, replacement of office equipment, improvement of premises and the Tribunal's share of United Nations field security arrangements. The reduced requirement in the amount of $8,296,300 under non-post resources reflects the downsizing in the staffing complement of the Tribunal as a result of a lower level of trial activities beginning 2009.

D. Records management and archives

88. Over the years, the Tribunal has created significant amounts of archives in different formats, including electronic, paper and audio-visual records. As the records and archives of the Tribunal are United Nations records, the International Criminal Tribunal for Rwanda is committed to ensuring that all categories of records and archives are managed, preserved and made accessible in accordance with United Nations record-keeping and archives management policies, standards and best practice.

89. To date, significant progress has been made in preparing records in anticipation of the Tribunal nearing completion of its mandate. By the time the Tribunal finishes its work, the records and archives will have to be organized and secured for two purposes, namely, residual activities and legacy.

90. With respect to residual activities, there will be the need for continued access to active records that will be used to provide documentary support for ongoing judicial procedures. Following the completion of the Tribunal's trials and appeals, a part of its records must remain accessible for ongoing judicial proceedings. National authorities trying cases referred to them by the Tribunal will also require access to both public and confidential records of the Tribunal.

91. Concerning legacy, it is critical that strategies are implemented to ensure the preservation of archival material that documents the Tribunal's work, and that access to that material by stakeholders, including the people of Rwanda, historians and researchers, is facilitated through digital copies of archives made accessible via the Internet.

92. The nature of the International Criminal Tribunal for Rwanda records and archives can be grouped into three areas, including administrative, judicial and substantive. The broad policies for these records are as follows:

(a) Administrative records: These records support administrative functions including, inter alia, finance, human resources and procurement. These records are mainly physical records in paper formats that are managed by a records management system (TRIM). Most of these records are not of archival value and will eventually be destroyed according to United Nations records retention schedules. The Tribunal will transfer these records to the custody of the Archives and Records Management Section in New York;

(b) Judicial records: These records include transcripts of court hearings, motions, judgements and other legal records. They exist in paper, electronic and audio-visual formats. The policy of the Tribunal is to keep all of these records as archives owing to legal requirements and their historic nature. The Tribunal will capture these records into a records management system, as part of the archival legacy of the Tribunal, and will digitize the audio-visual records;

(c) Substantive records: These are records of archival value but are not of a judicial nature. They include the records of senior officials, transcripts of policy-establishing bodies, such as the Plenary and Rules Committee, certain outreach records, reports, studies, and others. These records exist in paper and electronic formats. The Tribunal will capture these records into a records management system as part of the archival legacy of the Tribunal.

93. As the mandate of the two ad hoc Tribunals draws to an end, it becomes apparent that archives will play a significant role in the residual mechanism. In this respect, representatives of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia together with the Archives and Records Management Section at Headquarters met in The Hague in June 2007 in order to develop and implement a common, comprehensive and coordinated strategy and project plan for archives and records management across the Tribunals. The strategy outlines, inter alia, the appropriate preservation of the evidence of the work of the Tribunal and the development and implementation of access standards for those records which are disclosable.

94. In order to achieve the preservation and access requirements for all stakeholders, the archiving strategy would require four top-level elements. First, because of the nature of the records (i.e., highly sensitive information, the volume of records involved, the complexity of the systems in which they are held and the

variety of formats in which they are stored), work on preparing the records and archives for preservation and access to the various stakeholders must begin immediately. Secondly, it is essential to identify, request and allocate resources needed. Thirdly, it is essential that a comprehensive and common approach, in the form of strategic and operational frameworks are developed and adopted across the Tribunals. Fourthly, it is essential that a legislative framework be developed with the Archives and Records Management Section and the Office for Legal Affairs to guide the custodians regarding access.

95. In order to better support the archiving functions for the Tribunals, it was decided that all archiving-related functions from each organ of the Tribunals (i.e., Chambers, the Office of the Prosecutor and the Registry) will be consolidated into one centralized administrative unit responsible for overseeing the implementation of the archives strategy and day-to-day functions. In line with the strategy, during 2008-2009, the Tribunals will be implementing various archiving-related projects aimed at (a) ensuring that the records meet the preservation and archiving standards required following the completion of the mandate, and (b) supporting future official access by the entity entrusted with post-Tribunal functions as well as access by the public at large.

96. With regard to the requirements of the International Criminal Tribunal for Rwanda, resources are proposed for data input of the Tribunal's records and archives into a records management database (TRIM software), to ensure the smooth transfer of the records (paper, electronic and audio-visual records) by the closure of the Tribunal. The second substantial area of work for which resources are required pertains to the digitization of priority groups of court records to ensure that there will be maximum opportunity for access to public information when the Tribunal finishes its work. There will be a continuing increase in records and archives-related work as the International Criminal Tribunal for Rwanda moves towards closure, and resources will be essential to prepare records and archives for future transfer, preservation and access.

97. The audio-visual recordings of the court proceedings of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia are a crucial record of the work and jurisprudence of the Tribunals. It is essential that this audio-visual archive be preserved to appropriate technical standards in order to improve the public accessibility of the collection and to ensure the long-term viability of the materials. In order to ensure preservation and access over time, it is essential that the court audio-visual records of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, both the redacted and unredacted versions, be digitized, stored in a system with a full backup and that a data migration strategy to deal with the need to move to new versions of technology, during the life of the residual mechanism and afterwards, including future research and access databases, be planned and implemented. This is a major project as each Tribunal already has in excess of 30,000 hours of recordings and this volume will grow as the Tribunals continue to operate.

98. The digitization project will deliver preservation-quality and access copies of all redacted and unredacted versions of courtroom proceedings. It will require significant input from an audio-visual digital preservation consultant, a major conversion and storage programme and preparation and implementation.

Table 11
Resource requirements — records management and archives

	Resources (thousands of United States dollars)		*Posts*	
Category	*2006-2007*	*2008-2009 (before recosting)*	*2006-2007*	*2008-2009*
Assessed budget				
Non-post	—	7 652.4	—	—
Total	**—**	**7 652.4**	**—**	**—**

99. During the biennium 2008-2009, resources amounting to $7,652,400 are proposed for the redaction of all audio-visual materials and the archiving of the Office of the Prosecutor records. These would be new provisions for (a) general temporary assistance related to temporary staff that would be required to undertake the audio-visual redaction project and the archiving of the Office of the Prosecutor records, (b) consultants who would be engaged to assist with the migration of data, (c) travel to complement teleconference communication between the representatives of both Tribunals and the Archives and Records Management Section for coordination of activities, (d) contractual services to cover costs associated with the digitization of audio-visual records of the Tribunal, and (e) the necessary supplies and equipment required in connection with this project.

E. Liabilities for after-service health insurance and pensions of retired judges

100. In accordance with staff regulation 6.2, the Tribunal provides its employees who have met certain eligibility requirements with medical and dental coverage after they retire through the after-service health insurance programme in the United Nations. The health care provided by the after-service health insurance programme is a vital element of social security for retiring staff members, many of whom cannot benefit from the national social security schemes of Member States owing to their service with the United Nations. The current practice of pay-as-you-go would need to be immediately addressed given that the end of the Tribunal is nearing. In addition, in their report (A/61/5/Add.12 and Corr.1) the external auditors of the United Nations have reiterated concern regarding the capacity of the International Tribunal for the Former Yugoslavia to cover the liabilities for end-of-service and post-retirement benefit. Given the similarities of the two Tribunals' liabilities, this concern is also applicable to the International Criminal Tribunal for Rwanda.

101. Since the establishment of the International Criminal Tribunal for Rwanda as a temporary body, the liabilities pertaining to after-service health insurance have been accruing and have remained unfunded. These liabilities have now been duly recognized and reflected in the financial statements in accordance with General Assembly resolution 60/255. Given that the Tribunal is expected to wind up its activities by 2010, there is an urgent need for funding of the accrued liability, which would obviate any potential burden on other sources of funds, particularly the regular budget.

102. Based on a roll-forward actuarial valuation conducted by a consulting actuary in August 2007, the present value of the accrued after-service health insurance liability of future benefits as at 31 December 2009 for the International Criminal Tribunal for Rwanda is estimated at $28.5 million, based on 278 potential participants in the after-service health insurance programme. As annual payout requirements are due to be made starting in 2009, it would be financially prudent to allocate the aforementioned amount in 2008 into the newly established independent segregated special account to record after-service health insurance accrued liabilities and account for related transactions, in accordance with General Assembly resolution 61/264.

103. In addition, the permanent judges of the International Criminal Tribunal for Rwanda are eligible for retirement benefits in accordance with the conditions of service and compensation governing the judges of the International Tribunal for the Former Yugoslavia/International Criminal Tribunal for Rwanda. Currently, pension benefits payable to former judges are provided for in the biennial budget of the Tribunal. However, the current practice would not be a viable option with the closure of the Tribunal and as such an actuarial study was conducted in August 2007 by a consulting actuary to determine the accrued liability with respect to this entitlement. Based on the results of the actuarial valuation for the pension scheme for judges at the Tribunal, the present value of the accrued pension liability of future benefits as at 31 December 2009 for the International Criminal Tribunal for Rwanda is estimated at $13,030,600, related to 6 former judges and 11 current judges.

Table 12
Resource requirements — liabilities: after-service health insurance/pension of Judges

	Resources (thousands of United States dollars)		*Posts*	
Category	*2006-2007*	*2008-2009 (before recosting)*	*2006-2007*	*2008-2009*
Assessed budget				
Non-post	—	41 530.6	—	—
Total	—	**41 530.6**	—	—

104. The level of resource requirements for the financing of the accrued liability would amount to $41,530,600, including $28,500,000 for after-service health insurance and $13,030,600 for pensions of retired judges and surviving spouses.

Table 13
Summary of follow-up action taken to implement relevant recommendations of the Advisory Committee on Administrative and Budgetary Questions and the Board of Auditors

Brief description of the recommendation	*Action taken or to be taken to implement the recommendation*
A. Advisory Committee on Administrative and Budgetary Questions (A/60/591)	
The Advisory Committee trusts the Tribunal will redouble its efforts to explore technical and financial assistance from national jurisdictions in the region to transfer applicable cases to national courts in a timely manner (para. 24).	The Tribunal is vigorously engaged in discussions and negotiations with some States for the transfer of cases to national jurisdictions.
B. Board of Auditors (A/61/5/Add.11 and Corr.1)	
The Board recommends that the Tribunal continue to follow up and clear all long-outstanding staff debts to avoid any potential losses due to non-recovery (para. 26).	A regular follow-up system has been implemented to clear all long-outstanding staff debts.
The Board recommends that the Tribunal, in consultation with the United Nations Secretariat, assess the costs versus the benefits of recovering long-outstanding amounts, especially the smaller amounts, and take appropriate action in accordance with United Nations financial rule 106.8 (para. 29).	The small amounts that are recoverable are being dealt with accordingly as a routine matter, without incurring any additional costs. The other amounts are being reviewed, coordinated and dealt with in accordance with financial rule 106.8 and in terms of cost-benefit criterion.
The Board recommends that the Tribunal identify all possible constraints that may negatively affect the completion of its mandate by 2010 and implement an action plan to address them (para. 41).	A Tribunal-wide steering Coordinating Council has been established to monitor the completion strategy by identifying all possible constraints that may affect the completion of the mandate. Identified constraints include: (a) non-cooperation by some Member States in critical areas such as delivery of indicted persons to the Tribunal, availing witnesses, exhibits and other relevant materials; (b) serious staff departures; and (c) incapacitation or death of Defence Counsel or Judge during trial.
The Board recommends that the Tribunal expedite the preparation of the completion strategy for the Appeals Chamber in consultation with the International Tribunal for the Former Yugoslavia (para. 44).	The completion strategy for the Appeals Chamber has been prepared in consultation with the International Tribunal for the Former Yugoslavia.
The Board recommends that the Tribunal continue its efforts to verify the financial position of the accused (para. 52).	There is no significant progress on this matter. The Member States concerned continue to offer no assistance to the Tribunal's effort to verify the financial position of the accused.

Brief description of the recommendation	*Action taken or to be taken to implement the recommendation*
The Board recommends that the Tribunal evaluate the effectiveness of the lump-sum system of legal aid regarding, first, the single-accused cases, and then consider the feasibility of applying this system to multiple-accused cases (para. 57).	The lump-sum system is implemented in relation to single-accused cases. Some of the measures designed for the lump-sum system are being implemented to the hourly-rate system to augment and complement measures previously reported.
The Board recommends that the Tribunal continue to make progress with regard to the implementation of results-based budgeting and the implementation of a more stringent central monitoring mechanism (para. 67).	The Tribunal has continued the implementation of results-based budgeting, as reflected in the proposed budget for the biennium 2008-2009. The implementation of a more stringent central monitoring mechanism related to performance management will be coordinated with the United Nations Secretariat.
The Board recommends that the Tribunal monitor closely all movements of assets and update the asset records accordingly to ensure accuracy and completeness of the information, as required by the Financial Regulations and Rules (para. 72).	To ensure the accuracy of the database system and inventory records, a number of guidelines were issued to self-accounting units and every effort is exerted to conduct a 100 per cent physical verification of non-expendable assets to reconcile the records of the self-accounting units with those maintained in the Field Assets Control System.
The Board recommends that the Tribunal, in consultation with the United Nations Secretariat, expedite the asset write-off and disposal process (para. 74).	The recommendation is implemented and regular follow-up with the United Nations Secretariat is made to expedite the approval of Headquarters Property Survey Board cases and thus facilitate the disposal process.
The Board reiterates its previous recommendations that the Tribunal evaluate the reasons for the lengthy delays at the various stages of the procurement cycle and take measures to shorten them to a reasonable duration (para. 77).	The recommendation has been implemented as the procurement lead time has since been reduced from 116 days to 55 days.
The Board recommends that the Tribunal comply with the Procurement Manual with regard to the principle of equality and fair treatment of all prospective vendors (para. 82).	The Tribunal accepts the recommendation and will adhere to the principle of equality and fair treatment of all prospective vendors as spelled out in the Procurement Manual.
The Board further recommends that the Tribunal, in consultation with the Office of Internal Oversight Services, investigate contracts that may have been awarded under circumstances similar to those described in the report (para. 83).	The Tribunal reviewed all other contracts and did not find any contracts being awarded under similar circumstances as stated by the external auditors in their report.

Brief description of the recommendation	*Action taken or to be taken to implement the recommendation*
The Board recommends that the Tribunal perform prospective vendor evaluations to ensure that registered vendors meet the applicable criteria (para. 91). The Board further recommends that the Tribunal obtain, evaluate and file all the required information for prospective vendors as per the Procurement Manual prior to registering the vendor (para. 92).	All vendors are evaluated according to the criteria in the Procurement Manual before being registered. All vendor information, including those required for the evaluation and registering, is on file.
The Board recommends that the Tribunal perform supplier evaluations of existing vendors prior to extending or renewing a contract with the same vendor (para. 95).	All vendors that have been awarded a contract are evaluated when the purchase orders have been completed. Evaluation of existing vendors is performed prior to extending or renewing contracts. The evaluation is part of the purchase order case file. For contractual agreements, the buyers have been instructed to evaluate the contracts with the assistance from the substantive programme managers every six months. In cases where programme managers complain about a vendor's performance, the overall contract is reviewed and immediate action taken with the contractor in question.
The Board recommends that the Tribunal closely monitor ex post facto submissions and address the underlying causes of those submissions that do not meet the definition of exigency (para. 100).	Contracts are closely monitored in order to avoid ex post facto cases.
The Board recommends that the Tribunal, in consultation with the United Nations Procurement Service and the Inter-Agency Procurement Working Group, expedite the introduction of consistent directives on procurement ethics, including with regard to declarations of independence for all staff involved in the procurement process (para. 106).	All procurement staff have been directed by the Chief Procurement Officer to follow the procurement ethics as formulated in section 4 of the Procurement Manual. While no other guidelines have been received from the Procurement Service or the Procurement Working Group, the Chief Procurement Officer updates the procurement staff on additional training on procurement ethics received during annual Chief Procurement Officer conference in New York, including the distribution of training materials.

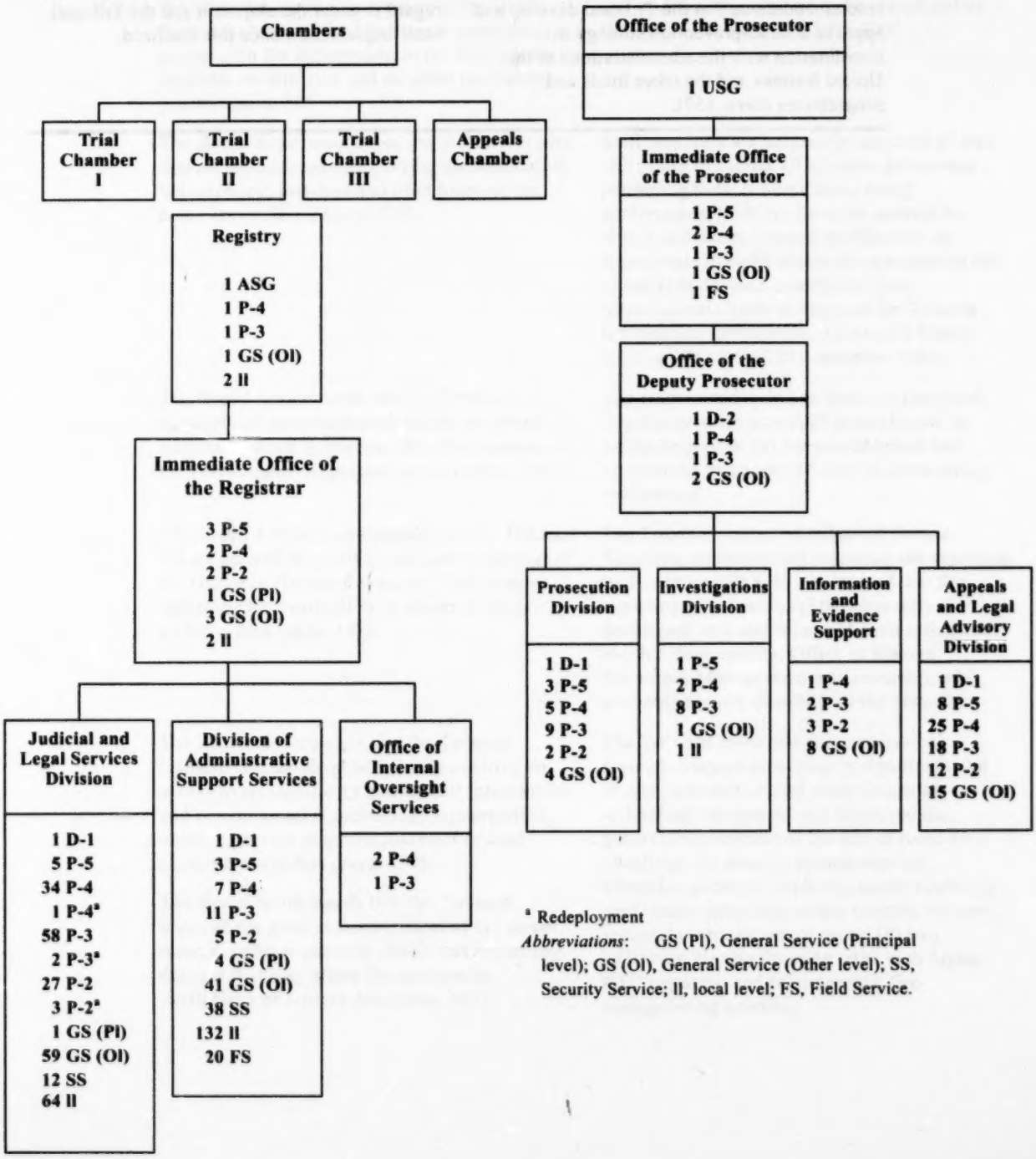
Brief description of the recommendation	*Action taken or to be taken to implement the recommendation*
The Board further recommends that the Tribunal require its staff members associated with the procurement process to sign a declaration that they have read, fully understand and will abide by the contents of section 4 of the Procurement Manual, as an interim measure until the finalization and implementation of the plain-language guidelines for the implementation of the essential ethical principles for United Nations staff (para. 107).	The Procurement staff have signed the oath of office as referred to in section 4.1.2 (l) of the Procurement Manual.
The Board reiterates its previous recommendation that the Tribunal formalize the agreement with the Tanzanian Police and Prison Services, in compliance with United Nations directives (para. 109).	The Agreement, which has been approved by both the Office of Legal Affairs and the Controller, is scheduled for signing before the end of 2007 between the Tribunal and the Tanzanian authorities.
The Board reiterates its previous recommendation that the Tribunal conduct reference checks on all new eligible candidates in accordance with its agreed procedures and maintain accurate and complete records of such reference checks (para. 112).	Reference checks for newly recruited staff members is an ongoing process, and good progress has been made in respect of backlog; and updated records of reference checks are now maintained.
The Board reiterates its previous recommendation that the Tribunal take steps to use the general temporary assistance funds in accordance with the purposes for which they were intended (para. 115).	Efforts are made, whenever feasible, to place general temporary assistance staff members against authorized temporary posts in accordance with established recruitment criteria and procedures.
The Board recommends that the Tribunal continue its efforts to reduce vacancy rates (para. 119).	The Tribunal exerted intensive efforts and applied various measures to improve the vacancy rates. The vacancy rates improved in 2005 and 2006 to an average of 10 per cent. The gains achieved in the last two years are being eroded by the continuing departure of staff due to uncertainties as the Tribunal draws closer to its completion strategy. As at 23 July 2007, the average vacancy rate stands at 15 per cent (18 per cent for Professional staff and 13 per cent for General Service and related categories).
The Board further recommends that the Tribunal update on a regular basis the Field Personnel Management System (para. 120).	The Field Personnel Management System is updated regularly.

Brief description of the recommendation	*Action taken or to be taken to implement the recommendation*
The Board recommends that the Tribunal update the education grant information in the Field Personnel Management System to ensure that it agrees with the information in the Sun system to facilitate an effective and accurate monitoring process (para. 125).	The recommendation has been implemented and updates are expected to be completed by the end of the biennium 2006-2007.
The Board recommends that the Tribunal ensure that all the necessary supporting documentation is completed, attached and filed together for home leave claims (para. 129).	Staff members are constantly apprised of their obligation to submit all relevant documents pertaining to their home leave travel entitlements. Staff are likewise advised to obtain and submit formal certification as appropriate in cases where documentary proof of travel is deemed insufficient (see International Criminal Tribunal for Rwanda Information Circular No. 12 dated 3 March 2006 and No. 55 of 28 September 2006).
The Board recommends that the Tribunal complete all personnel evaluations in a timely manner in order to improve the effectiveness of the Performance Appraisal System (para. 136).	The recommendation has been implemented. Regular training on e-PAS is conducted, an e-PAS help-desk has been established and programme managers advised of outstanding evaluations.
The Board further recommends that the Tribunal follow up with the staff development services of the Office of Human Resources Management regarding the availability of reporting tools within e-PAS (para. 137).	The Tribunal contacted Office of Human Resources Management regarding the reporting tools within e-PAS. It was learned that the reporting tool functionality is not fully developed, and that it has not been rolled out to other departments. Office of Human Resources Management occasionally made available reports on e-PAS to the Tribunal.
The Board recommends that the Tribunal institute stricter physical security controls on access to all significant and critical information and communication technology equipment in order to prevent potential losses of critical equipment and data (para. 139). The Board recommends that the Tribunal improve the general environment of the server room in order to prevent, detect and report any dangers that may affect the continuous availability of critical data (para. 142).	The Tribunal instituted stricter physical security controls on access to significant and critical information and communication technology equipment and improved the general environment of the server room by installing: (a) security closed-caption television cameras inside the server room; (b) card reader entry/exit access control; (c) new secure door to the server room: (d) two additional air-conditioning units with higher BTU capacity; and (e) automatic fire-extinguishing solution.

Brief description of the recommendation	*Action taken or to be taken to implement the recommendation*
The Board reiterates its previous recommendations that the Tribunal develop and approve a fraud-prevention strategy in coordination with the administrations of the United Nations and the other funds and programmes (para. 157).	**A comprehensive United Nations policy in this regard is under development and the Tribunal shall implement it once it is finalized.**

International Criminal Tribunal for Rwanda

Organizational structure and post distribution for the biennium 2008-2009



[a] Redeployment

Abbreviations: GS (PI), General Service (Principal level); GS (OI), General Service (Other level); SS, Security Service; II, local level; FS, Field Service.

Annex

Report on the outreach programme of the International Criminal Tribunal for Rwanda

I. Introduction

1. In order for the prosecution of the persons responsible for the 1994 genocide to contribute to national reconciliation in Rwanda, it is essential that the Rwandan people have an understanding of and confidence in the work of the Tribunal. To achieve this, the International Criminal Tribunal for Rwanda has established an outreach programme designed to reach, first and foremost, all sectors of Rwanda society and, second the rest of the world.

2. The outreach programme has been conceived as a series of projects, complementary to the public information activities of the International Criminal Tribunal for Rwanda and cuts across all International Criminal Tribunal for Rwanda departments. By virtue of the Tribunal's mandate, the Rwandan population, including those within Rwanda and the diaspora, is the most important target audience for information about the Tribunal and its work. The statute of the Tribunal also stipulates that the prosecutions will "contribute to the process of national reconciliation" and that there is a "need for international cooperation to strengthen the courts and judicial system of Rwanda".

3. It is important to recognize that such an ambitious programme is by necessity multifaceted since the targeted audiences range from uneducated persons with little or no access to modern forms of media to academics and legal practitioners throughout Rwanda. It is equally important to recognize that the International Criminal Tribunal for Rwanda outreach programme strives to provide much more than simply an awareness of the work of the Tribunal. Specifically, the outreach programme includes in-depth specialized training of Rwandan legal practitioners in the international justice process. It also supports many young professionals from Africa and other developing countries who are interested in human rights and eager to acquire first-hand experience at the International Criminal Tribunal for Rwanda.

4. The present report summarizes the outreach activities that the Tribunal implemented from January to December 2006. The overarching goals of raising awareness and capacity-building are interwoven throughout the following five components of the outreach project.

II. Awareness-raising programmes within Rwanda

5. The International Criminal Tribunal for Rwanda information centre in Kigali remains the focal point for all outreach activities in Rwanda. It provides a range of opportunities to increase public understanding of the Tribunal's work through books, journals, newspapers, legal documents, audio-visual materials and information briefings. These materials are utilized by approximately 100 researchers, including lawyers, students, journalists, civil servants, as well as ordinary Rwandans from all walks of life.

6. The centre is also used by different institutions to host various seminars, meetings and press conferences. The centre also disseminates the Tribunal's public documents to approximately 100 institutions in Rwanda.

7. The Tribunal, with European Commission financial support, is cooperating with the Government of Rwanda to establish 10 similar information and documentation centres in locations across the country to improve public access to documents and other information about the work and accomplishments of the International Criminal Tribunal for Rwanda. Most of the proposed new centres will be housed in justice complexes to facilitate access for Rwandan judicial and legal staff to the jurisprudence of the International Criminal Tribunal for Rwanda and to technology which will enable them to perform legal research online. It is expected that the additional centres will be opened in 2007.

8. During the period under review, the External Relations and Strategic Planning Section of the Tribunal conducted regular awareness-raising workshops in order to increase the knowledge and understanding of the work of the International Criminal Tribunal for Rwanda in all Rwandan provinces. The workshops offered approximately 5,000 local participants from all walks of life the opportunity to listen to information about the Tribunal's work and its relevance to Rwandans and to express their views and share their perceptions with the International Criminal Tribunal for Rwanda staff members, who provided them with first-hand information about the work of the Tribunal, how trials are conducted, why trials are time-consuming, what is done to speed up the trials and why the deadlines of 2008 and 2010 were set. During the workshops, particular attention is given to the audience's feedback in order to improve future interventions.

9. The outreach programme has extended its awareness-raising campaigns to youth in Rwandan secondary schools. During the period under review, the outreach programme produced documentaries about some of the cases that are already completed and screened them before approximately 7,000 students in 13 schools. The documentary screenings were accompanied by discussion, questions from the audience and further explanation of the work of the Tribunal by International Criminal Tribunal for Rwanda staff. At the end of the meetings, copies of Tribunal publications in Kinyarwanda, French and English were handed to headmasters of schools, with a specific request that the publications be placed in the school libraries so that students can easily access them.

10. The outreach programme, in collaboration with the Centre for Conflict Management at the National University of Rwanda, is conducting a research survey on Rwandans' assessment of the International Criminal Tribunal for Rwanda and the impact/contributions of the Tribunal to international justice and reconciliation in Rwanda. Ongoing plans include expanding the ongoing survey research project whose findings will be used for baseline data to assess future outreach programme interventions.

III. Capacity-building

11. Security Council resolution 1503 (2003) provided that all work of the International Criminal Tribunal for Rwanda (and the International Tribunal for the Former Yugoslavia) should be completed by 2010. It also requests that the International Criminal Tribunal for Rwanda transfer cases involving intermediate-

and lower-rank accused to competent national jurisdictions, as appropriate, including Rwanda, in order to allow the International Criminal Tribunal for Rwanda to achieve its objective of completing investigations by the end of 2004, all trial activities at first instance by the end of 2008, and all of its work in 2010. The Security Council also noted that the strengthening of national judicial systems is crucially important to the rule of law in general and to the implementation of the International Criminal Tribunal for Rwanda completion strategy.

12. In November 2005, a high-level workshop involving representatives of the Government of Rwanda and the Tribunal took place in Kigali. The workshop participants discussed how to develop an adequate process for transferring International Criminal Tribunal for Rwanda cases and convicts to Rwanda as an integral part of the Tribunal's completion strategy. They also discussed an agenda for cooperation, to assess the needs of the justice sector and to devise a strategic plan for ICTR to deliver capacity-building and other assistance to Rwanda.

13. As a result of the workshop, the outreach programme provided training in online research to Rwandan university students, professors and judicial officials in order to equip participants with the knowledge, research methodologies and retrieval techniques that are necessary to conduct efficient legal information searches on the Internet. In addition to online legal research, the Tribunal's outreach programme provided training sessions in legal information and evidence management to enhance the capacity of Rwandan court registrars and personnel in the Rwanda Office of the Prosecutor General. Legal librarians, law students and professors were also trained to use specialized documentary software. Specifically, the training seminars on online legal research involved 17 lecturers in charge of research methodology courses, 80 National University of Rwanda law students, 160 law students from the Kigali campus of Université Libre de Kigali and 60 from its Gisenyi campus, 19 legal professionals from the provinces, and 16 legal professionals from Kigali. The seminars were conducted by the International Criminal Tribunal for Rwanda Legal Library and Reference Section under the auspices of the Tribunal outreach programme.

14. Other capacity-building training sessions held to date include information systems and case management training for Rwandan court registrars and training in legal reporting techniques for Rwandan journalists. The workshop for journalists is an attempt to improve their skills and expertise in understanding and reporting on legal and judicial matters, especially the trials at the International Criminal Tribunal for Rwanda.

15. In 2005 the Tribunal Library conducted two training workshops in Rwanda in automation of library and information centres. The workshops were based on the CDS/ISIS library automation software, developed by the United Nations Educational, Scientific and Cultural Organization and distributed free to libraries all over the world. The first training session was an introduction to library processes automation with the ISIS for windows (WINISIS) software, while the second session was an advanced-level training in WINISIS. The Tribunal training team conducted follow-up visits in August 2006 to establish the level of implementation of the skills acquired during the previous trainings and to assess the needs of the respective Rwandan libraries and institutions for technical assistance and further training. The libraries of the following institutions were assessed during the visit:

(i) Supreme Court of Rwanda;

(ii) Office of the Prosecutor General;

(iii) Ministry of Justice;

(iv) Kigali Institute of Education;

(v) League of Human Rights in the Great Lakes Region;

(vi) National Assembly;

(vii) National Commission of Human Rights;

(viii) IBUKA (Association for Genocide Survivors);

(ix) AVEGA (Association for Rwandan Widows).

16. The International Criminal Tribunal for Rwanda intends to increase its capacity-building efforts for the judiciary of Rwanda. In the context of the outreach programme, the Tribunal plans to support the Rwanda Government in the needs assessment and the determination scope of capacity-building interventions in order to make the Rwandan judicial structure perfectly adapted to the transfer of cases in accordance with rule 11 bis of the Rules of Procedure and Evidence of the International Criminal Tribunal for Rwanda.

17. During the period under review, the Tribunal continued the annual programme of research fellowship awards for Rwandan law students. Each year, up to six students from the National University of Rwanda spend eight weeks at the Tribunal conducting research for their dissertations and theses about International Criminal Tribunal for Rwanda jurisprudence and international justice. Staff members from the various sections at the International Criminal Tribunal for Rwanda serve as supervisors for the students' research and as advisers for preparation and defence of their academic theses. This new model has been emulated by many Rwandan law students and the number of research projects about international justice has increased.

18. Another capacity-building component run by the Tribunal is the internship programme and legal researchers' programme. The internship programme is unlike any in the United Nations system, because its work assignments are of a specialized legal nature and interns assist in many of the core legal functions of the Tribunal, such as conducting research on intricate legal issues, summarizing witness testimonies, analysing party submissions, drafting interlocutory motions and assisting in evidence collection and management, which in some cases involves travel to Rwanda and visits to genocide massacre sites.

19. The legal researchers' programme is run side by side with the internship programme. The legal researchers' programme was conceived to redress the imbalance in that the number of interns from developing countries were almost non-existent because of financial constraints. The legal researchers' programme is funded from voluntary contributions and the beneficiaries are lawyers from African and other developing countries. They perform the same functions as legal interns.

20. Since the Tribunal started its work in 1995, the International Criminal Tribunal for Rwanda internship programme has grown from strength to strength. The main beneficiaries of these programmes are the Office of the Prosecutor and Chambers. In 2006, 261 interns and legal researchers completed their programme at the International Criminal Tribunal for Rwanda.

IV. Media relations

21. Media relations are a priority for the Tribunal's outreach programme. Given the priority accorded to radio as the most widely available medium in Rwanda, the Tribunal's outreach programme facilitates the work of Rwandan journalists who broadcast on a daily basis from Arusha. In the past, the outreach programme provided financial support to allow journalists from the Office rwandais de l'information and the Ministry of Justice to report from Arusha. The International Criminal Tribunal for Rwanda, in collaboration with these two institutions, filled the information gap about the Tribunal that exists in the rural areas of Rwanda. During the period under review, groups of up to 14 Rwandan journalists from broadcast and print media were brought to the International Criminal Tribunal for Rwanda from Kigali to enable first-hand gathering of information and reporting directly on important events such as the delivery of judgements, Appeals Chamber sittings and the opening of new trials. The journalists are provided with audio- or videocassettes of Tribunal hearings that they can broadcast via government and private stations in Rwanda. Additionally, the Tribunal provides a satellite feed of each judgement that can be broadcast live in Rwanda.

22. The Tribunal plans to launch a new weekly radio programme specifically for the Rwandan audience. The programme, to be broadcast by Rwandan private radio stations, will present news and analysis summarizing weekly developments in the ongoing trials at the Tribunal. Each programme will include interviews with International Criminal Tribunal for Rwanda senior officials, staff (courtroom officers, trial attorneys) of the Tribunal, as well as defence counsel in the cases being publicized. The programmes will also include interviews and commentary from Rwandan officials, civil society, journalists and academics as well as ordinary citizens from locations in Rwanda where the crimes were committed.

23. The Tribunal also produces brochures and other printed information in Kinyarwanda that is distributed in Rwanda as part of the outreach programme. An exhibition of posters and photographs about the International Criminal Tribunal for Rwanda and its work is presented at various locations in Rwanda and elsewhere in the world throughout the year. The outreach programme seeks to have International Criminal Tribunal for Rwanda case judgements translated into Kinyarwanda for distribution to the Rwandan audience. During the period under review, 2 judgements were translated into Kinyarwanda. Additionally, 2 documentaries were translated into Kinyarwanda and screened in Rwandan Provinces. It is expected that more judgements will be translated in the biennium 2008-2009.

24. The Tribunal is exploring technicalities of extending the video signals from the courtrooms during live broadcasts, as in the case of judgements, so that Rwandans can watch live proceedings from the national television station. The same initiative is under way to feed Rwandan private and public radio stations with the sound signal via a telephone link from Tribunal courtrooms. Currently, such signals are recorded by the Tribunal office in Kigali and broadcast by the Rwandan public media at a convenient time for them.

V. Visits and seminars

25. The outreach programme organizes regular visits of journalists, lawyers, human rights advocates and civil society representatives to the International Criminal Tribunal for Rwanda in Arusha, where they are able to attend and observe trials in progress and to be briefed on various aspects of the work of the Tribunal. Also included in the programme of visits are clergy from various religious denominations and members of the Rwandan judiciary as part of the effort to increase knowledge of the work of the Tribunal in Rwanda.

26. During the period under review, the International Criminal Tribunal for Rwanda continues to actively cooperate and assist human rights bodies, sharing with them information and expertise related to international criminal law. At least 18 representatives from Rwandan civil society organizations have visited the Tribunal. The aim of their visit was to obtain first-hand information about the work of the Tribunal and to strengthen the capacity of Rwandan civil society organizations in international humanitarian law and criminal jurisprudence.

27. Each year, several professors from the National University of Rwanda and other Rwandan private universities visit the Tribunal in Arusha to observe the trials and to conduct legal research. In 2006, the outreach programme facilitated six professors to conduct their research at the International Criminal Tribunal for Rwanda. The programme also helped 21 law students to conduct a one-week-long research for their dissertations and theses about Tribunal jurisprudence and international justice. They were also coached about the research by experienced International Criminal Tribunal for Rwanda legal professionals. During the period under review, about eight Rwandan judges from military courts attended a week-long seminar about the Tribunal's jurisprudence at the International Criminal Tribunal for Rwanda in Arusha. In 2006, Tribunal staff also delivered occasional lectures at Rwandan universities.

VI. Outreach beyond Rwanda

28. The Tribunal continues its efforts for increasing public awareness of its work and accomplishments worldwide. Journalists from various countries in Africa and around the world have been invited to cover important events at the International Criminal Tribunal for Rwanda. The efforts emphasize the role of the Tribunal in the development of international criminal jurisprudence. Among these promotion efforts are presentations at conferences and expositions about the International Criminal Tribunal for Rwanda.

VII. Conclusion

29. A residual mechanism for the outreach programme after trials in Arusha end should be explored in order to bring knowledge of the Tribunal's work to new generations of Rwandans who otherwise may know much less about the trials than do current generations. To achieve this, the Tribunal should look at how to conduct its communication campaigns and outreach activities with the judicial system in Rwanda so as to give a complete and coherent picture of justice that it is being pursued on all levels and the expected reconciliation from delivery of that justice.

30. Continued genocide education and research should be promoted, perhaps through the United Nations genocide prevention initiative.

31. Member States should be sensitized in order to provide the International Criminal Tribunal for Rwanda with adequate resources that will enable sustainable implementation of the Tribunal's outreach programme in Rwanda.

32. Within the framework of Security Council resolutions 1503 (2003) and 1534 (2004) — the completion strategies — Member States should, as part of the completion strategy, assist in strengthening national jurisdictions to improve their capacity to prosecute cases of intermediate and lower rank of accused transferred by the International Criminal Tribunal for Rwanda.